

**Patterson Belknap Webb & Tyler LLP**

1133 Avenue of the Americas, New York, NY 10036-5710 212.336.2000 fax 212.336.2222 www.pbwt.com

January 4, 2011

By Hand

RECEIVED  
JAN 04 2011  
CHAMBERS OF  
RICHARD M. BERMAN  
U.S.D.J.

Erik Haas  
Partner  
(212) 336-2771  
Direct Fax (212) 336-2386  
ehaas@pbwt.com

The Honorable Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: Ambac Assurance Corp. v. EMC Mortgage Corp.  
Index No. 08 Civ. 9464

MEMO ENDORSED  
IS THIS A  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 1/4/11

Dear Judge Berman:

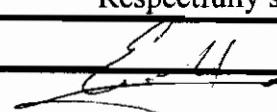
We represent plaintiff Ambac Assurance Corporation ("Ambac") in the above-referenced action. We write on behalf of both parties to respectfully request an adjournment of the settlement conference currently scheduled for January 6, 2010. The parties have made five previous requests to adjourn the settlement conference pending completion of fact discovery, which the Court has granted. (See Dkt. Nos. 33, 46, 54, 63 and 98.)

Ambac's motion to amend the complaint to add new claims and parties is currently pending a final determination by this Court, and fact discovery on the existing and new claims is not complete. The parties agree that the settlement conference would be more productive, and should be adjourned until such time when the decision on the motion to amend is final and fact discovery is finished.

Of course, should Your Honor wish that the parties appear on January 6, we will be happy to do so.

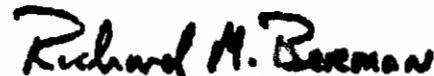
cc: The Honorable Theodore H. Katz  
Counsel of Record for EMC

Respectfully submitted,

  
Erik Haas

Application respectfully denied.  
The conference will proceed as  
scheduled.

SO ORDERED:  
Date: 1/4/11

  
Richard M. Berman, U.S.D.J.